

NOV 2 1989

**YELLOW**

4WD-SFB

NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE  
FOR REMOVAL ACTION  
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

11 9 0002  
36677

DATE:

Mr. Ed Schenk,  
Plant Manager  
General Electric  
250 East Main Street  
Hendersonville, Tennessee 37075

Re: Saad Site, Nashville, Tennessee

Dear Mr. Schenk:

This letter notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability act of 1980, 40 U.S.C. 9607(a), as amended (CERCLA), that you may incur or may have incurred with respect to the above-referenced site. This letter also notifies you of forthcoming removal activities at the site, which you are asked to perform, or you may be asked to finance at a later date.

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced site. EPA is considering spending public funds on actions to investigate and control such releases and threatened releases at the site. Unless you will perform the actions, EPA may perform these actions pursuant to Section 104 of CERCLA and seek to recover the costs from you.

Under Section 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resources Conservation and Recovery Act, 42 U.S.C. Section 6973 (RCRA), and other laws, potentially liable parties may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such actions and costs may include, but are not limited to: expenditures for investigations, planning, response and enforcement activities.

McCarty

KSM  
11/7

Rogers

JBK  
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Jordan

JD  
11/20

Green  
11/24/89

Tobin

EPA has evaluated information in connection with the investigation of the site, concerning persons who may be associated with it. Based on this evidence, EPA believes that your company may be a potentially responsible party with respect to this site. Potentially responsible parties (PRPs) under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal of hazardous substances found at the site, or persons who accepted hazardous substances for transport to the site. Specifically, EPA has reason to believe that General Electric arranged for the disposal of various hazardous wastes at the site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the site.

EPA has sampled the site, and found that there is significant contamination in the soil. Evidence of migration of the contaminants has been documented by contamination in nearby springs and monitoring wells. Both the wells and the soil were found to contain excessive levels of various chlorinated organics, including trichloroethylene, methylene chloride, and dichloroethane. At present, EPA is planning to conduct the following activities at the site:

1. Conduct a sampling investigation to determine the exact extent of contamination remaining at the site.
2. Excavate and dispose of all contaminated soil and materials at a federally approved disposal facility.

Under CERCLA Section 122(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and a PRP to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the site while formal negotiations between EPA and the PRP are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. It is EPA's policy not to use the special notice procedures for removals unless there is a 6-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than 6 months, special notice procedures will not be used. Nonetheless, EPA is willing to negotiate without invoking a moratorium, but will initiate the response action as planned if negotiations do not lead to settlement in a timely manner.

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Pursuant to CERCLA Section 113(k), EPA will establish an administrative record file that will contain documents that form the basis for EPA's decision on the selection of a removal action for the site. This administrative record will be open to the public for inspection and comment.

You should notify EPA in writing within ten (10) days of receipt of this letter of your willingness to participate in negotiations. Although EPA is not invoking Section 122(e) special notice procedures and no moratorium on EPA activities is invoked, EPA is willing to enter into negotiations for settlement. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with this response, and that you have declined any involvement in performing the response activities. You may be held liable under Section 107 of CERCLA for the cost of the cleanup activities EPA performs at the site.

In your response to this letter, please indicate the appropriate name, address, and telephone number for further contact. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup actions, or involved in a lawsuit regarding this site, you should continue such activities as appropriate. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of these discussions or actions in your response to this letter, and to provide a copy of the response to any other parties involved in those discussions or actions.

Your response should be mailed to:

Ms. Kelly McCarty  
U.S. Environmental Protection Agency  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

If you or your attorney have any legal questions pertaining to this matter, please direct them to Mr. Ruben Bussey, Assistant Regional Counsel at 404/347-2641, or any technical questions to Ms. McCarty at 404/347-3931.

Sincerely,

/s/ Patrick M. Tobin

Patrick M. Tobin, Director  
Waste Management Division

~~Enclosure~~

General Electric  
250 East main Street  
Hendersonville, TN 37075

## MAILING LIST OF PRPs

Mr. Tom Pickett  
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2150 Northwest Broad Street  
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